

Application No.: 10/017,806

Docket No.: JCLA7567

REMARKS**Present Status of the Application**

Claims 1-9 are pending of which claims 1 and 9 have been amended and Claim 2 has been canceled in order to more explicitly describe the claimed invention. More specifically, the subject matter of Claim 2 has been incorporated into Claim 1, and therefore it is believed that no new matter adds by way of amendments made to claims or otherwise to the application. For at least the foregoing reason, Applicants respectfully submit that claims 1 and 3-9 patently define over prior art of record and reconsideration of this application is respectfully requested.

Discussion of claim objection

1. The Office Action objected to claim 9 because claim 9, which depends from claim 1 recites the limitation "before the step of transporting the wafer to the main etch chamber" has insufficient antecedent basis. The Examiner suggested claim 9 should be amended to depend from claim 8.

In response thereto, Applicants would like to thank the Examiner for pointing out the informalities and accordingly amended claim 9 for overcoming the Examiner's objections. Reconsideration is respectfully requested.

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Discussion of the claim rejection under 35 USC 102

2. *The Office Action rejected claims 1, 3 and 8 under 35 USC 102(e) as being anticipated by the US patent 5,868,853 to Chen et al (hereinafter Chen).*

Applicants respectfully disagree and traverse the above rejections as set forth below. Independent claim 1, as amended, is allowable for at least the reason that Chen fails to teach or disclose each and every features of claim 1. More specifically, Chen substantially fails to teach or disclose a method of monitoring the etching machine comprising at least a step of positioning the bare wafer in an etching machine and performing an etching process on the photoresist, wherein the etching process is carried out for 9 seconds to 15 seconds as required by the amended claim 1.

Instead, Chen substantially teaches on col. 5, lines 39-40 that the over etching is carried out for 20-25 seconds. In other words, Chen substantially fails to teach or disclose a method of monitoring the etching machine comprising at least a step of positioning the bare wafer in an etching machine and performing an etching process on the photoresist, wherein the etching process is carried out for 9 seconds to 15 seconds as required by the amended claim 1. Accordingly, Applicants respectfully submit that the etching time of the claimed invention is different from Chen.

Thus, Chen fails to teach each and every features of the proposed amended independent claim 1.

Claims 3 and 8, which depend from Claim 1, directly or indirectly, are also patentable over Chen, at least because of their dependency from an allowable base claim.

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For at least the foregoing reasons, Applicants respectfully submit that claims 1, 3 and 8 patently define over Chen, and therefore should be allowed. Reconsideration and withdrawal of the above rejections is respectfully requested.

Discussion of the claim rejection under 35 USC 103

3. The Office Action rejected claims 2 and 4-7 under 35 USC 103(a) as being unpatentable over Chen in view of US Patent 6,699,399 to Qian et al (hereinafter Qian).

Applicants respectfully disagree and would like to point out that even though the Examiner relied upon Qian to disclose the silicon oxide, polysilicon and metal etching processes, still Qian cannot cure the specific deficiencies of Chen for at least the reason discussed above. Accordingly, Applicants respectfully submit that claims 2 and 4-7 also patently define over the prior art of record for the same reasons as set forth above. Reconsideration is respectfully requested.

4. The Office Action rejected claim 9 under 35 USC 103(a) as being unpatentable over Chen in view of US Patent 4,341,582 to Kohman et al (hereinafter Kohman).

Applicants respectfully disagree and would like to point out that even though the Examiner relied upon Kohman to disclose the steps of avoiding the wafer atmosphere, still Kohman cannot cure the specific deficiencies of Chen for at least the reason discussed above. Accordingly, Applicants respectfully submit that claim 9 also patently define over the prior art of record for the same reasons as set forth above. Reconsideration is respectfully requested.

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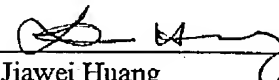
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1 and 3-9 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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